

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

| | | |
|--------------------------------|---|----------------------------|
| In re PAYMENT CARD INTERCHANGE | : | |
| FEE AND MERCHANT DISCOUNT | : | No. 05-MD-01720 (MKB) (JO) |
| ANTITRUST LITIGATION | : | |
| | : | |

STATEMENT OF OBJECTIONS OF CLASS MEMBER CAIN PETROLEUM INC.

Cain Petroleum Inc., an Oregon corporation, (hereinafter “Company”) accepted Visa and Mastercard transaction cards between 2004 and the present date. Company is a member of the Rule 23(b)(3) settlement class in this case, and it has not engaged in any other settlement of its claims against Visa and/or Mastercard. Company hereby submits its objections to the proposed settlement preliminarily approved by the Court in January of this year.

Company is located at 4512 S.W. Kelly, Portland, Oregon 97239. Company is a petroleum dealer engaged in the retail sale of branded motor fuels. Company operates twenty-eight (28) gasoline stations, some including convenience stores, and three including car washes, in Oregon and southwest Washington. A full list of those stations is attached as Exhibit A. Company accepted Visa and Mastercard transaction cards at those retail service stations, car washes, and convenience store locations during the class action period. Motor fuels at these locations have been sold under the Chevron brand since 2004, and the credit card transactions at each location were processed by the applicable branded supplier. Once the customers entered their credit card for payment, the payments were forwarded to Chevron which deducted Chevron’s full share from the payment, and then deducted the fees at issue here from Company’s proceeds before remitting those proceeds to Company. Therefore, Company and not Chevron paid the transaction fees.

Company is concerned that the Court will concur in the arguments of Defendants that certain major oil company branded suppliers are entitled to file claims against the settlement fund for transactions at retail locations where Company accepted the applicable Visa or Mastercard transaction cards and paid the interchange fees. Company understands that the Court has indicated that class counsel cannot represent both the branded suppliers and branded dealers, like Company, because only one of the two groups is entitled to settlement funds attributable to Company’s retail locations. None of the class representatives were branded dealers, and branded dealer interests were not represented when the settlement was negotiated. Nor are they adequately represented now by a conflicted class counsel who are incapable of asserting branded marketer or dealer interests when they conflict with the interests of major oil companies.

As of now, Company is totally in the dark as to whether, having accepted the cards and paid the interchange fees, Company is part of the settlement class, whether it is entitled to a full or partial recovery, or whether any mechanism is in place to sort all of this out. Nothing in the Class Notice states whether Company or its branded supplier (whose fuel Company sells) have a right to recover for transactions at these locations. In short, Company is concerned that it is being deprived of its legal right to fully participate in the settlement.

In addition to not knowing what recovery Company may be entitled to as part of the class settlement, we do not believe that proper efforts are being made to notify branded dealers, like Company, so that they can object to the settlement. For example, although to my knowledge only eleven (11) of Company's retail locations were sent a Class Notice from the Claims Administrator, Company, which wholly owns and operates the sites, did not receive a notice. A list of those of Company's sites which Company knows received Class Notice is attached as Exhibit B. Most of those sites which received notices received duplicate notices. Some notices were addressed to prior owners of the sites. None were addressed to Company. Company understands that other branded petroleum dealers have received no notice even though they accepted the cards, and paid the fees, during the relevant period. The names and addresses of branded petroleum dealers, like Company, can be obtained by the Claims Administrator from the branded suppliers.

Branded dealers should be informed *now* whether a procedural mechanism will be put in place to determine whether, and to what extent, branded dealers will participate in the settlement, what evidence they need to present, and whether there will be procedural hurdles they need to overcome to claim their rights as class members. Unless and until these issues are addressed and properly resolved by the Court, Company respectfully objects to the class settlement.

My personal information is:

Ronald G. Cain, President
Cain Petroleum Inc.
4512 SW Kelly Avenue
Portland, Oregon 97239
Phone: 503-546-3535

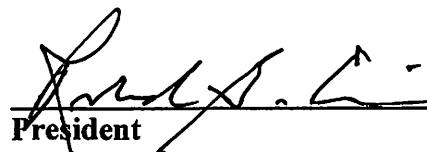
Contact information for Company's lawyer is:

Mary Ellen Page Farr
991 SW Westwood Dr.
Portland, Oregon 97239
Phone: 503-221-9133

Respectfully submitted,

Cain Petroleum Inc.

By: Ronald G. Cain



President

Cain Petroleum**Exhibit A****Chevron Sites**

MAIN OFFICE
4512 SW KELLY AVE
PORTLAND, OR 97239

PHONE 503-546-3535
FAX 503-546-3530

| | | |
|-------------------------|---|----------------------------|
| #203381 001F | FOREST GROVE (1) 2339 PACIFIC AVE FOREST GROVE, OR 97116 | 503-357-2207 |
| #203454 002F | HILLSBORO (2) 833 E BASELINE HILLSBORO, OR 97123 | 503-648-7446 |
| #204398 003F | TIGARD 99 (3) 13970 SW PACIFIC HWY TIGARD, OR 97223 | 503-639-8428 |
| #203376 004F | PROGRESS (4) 8710 SW HALL BLVD BEAVERTON, OR 97008-6431 | 503-641-1821 |
| #203374 005F 005C | CEDAR HILLS (5) 3520 SW CEDAR HILLS BLVD BEAVERTON, OR 97005 | 503-641-2295 |
| #203379 006F | RALEIGH HILLS (6) 7200 SW BEAVERTON HILLSDALE HWY BEAVERTON, OR 97225 | 503-292-7086 |
| #203375 007F | MURRAY (7) 120 NW MURRAY RD PORTLAND, OR 97229 | 503-644-9690 |
| #203380 008F 008C | 185TH / ALOHA 1 (8) 18560 SW T.V. HWY ALOHA, OR 97006 | 503-649-8876 (24 HOURS) |
| #209449 009F | BANKS (9) 12440 NW MAIN ST BANKS, OR 97106 | 503-324-2436 |
| #91985 010F | SCHOLLS FERRY (10) 6655 SCHOLLS FERRY RD BEAVERTON, OR 97008 | 503-372-9679 |
| #203377 011F | 58TH / POWELL (11) 5727 SE POWELL BLVD PORTLAND, OR 97206 | (503) 771-3888 |
| #203686 012F 012C | 82ND / FOOD MART (12) 9 SE 82ND AVE PORTLAND, OR 97216 | 503-251-5807 (24 HOURS) |
| #204973 013F | SANDY (13) 39191 PROCTOR BLVD SANDY, OR 97055 | 503-668-0445 |

| | | |
|-------------------------|---|----------------------------|
| #206013 014F | 174TH / GRESHAM (14) 17411 SE POWELL BLVD PORTLAND, OR 97236- 1340 | 503-618-7550 |
| #207678 015F | OREGON CITY (15) 19055 BEAVERCREEK RD OREGON CITY, OR 97045 | 503-557-9745 |
| #208469 016F | 212TH / STARK (16) 21188 SE STARK ST GRESHAM, OR 97030 | 503-666-7538 |
| #209902 017F | GLADSTONE (17) 830 E BERKELEY GLADSTONE, OR 97027 | 503-722-2179 |
| #98209 018F | TIGARD 217 (18) 11747 PACIFIC HIGHWAY TIGARD, OR 97223 | 503-639-7151 |
| #97028 019F 019C | LAKE OSWEGO (19) 15905 SW BOONES FERRY RD LAKE OSWEGO, OR 97035 | 503-636-9249 |
| #91598 020F 020C | 170TH / ALOHA 2 (20) 17095 SW T.V. HWY ALOHA, OR 97006 | 503-649-8533 (24 HOURS) |
| #96371 021F 021C | CLACKAMAS (21) 15901 SE 82ND DR CLACKAMAS, OR 97015 | 503-656-2397 (24 HOURS) |
| #90640 022F 022C | GRESHAM DOWNTOWN (22) 30 W POWELL BLVD GRESHAM, OR 97030 | 503-465-2708 |
| #200703 023F 023C | MILWAUKIE (23) 10950 SE OAK ST MILWAUKIE, OR 97222 | 503-786-9892 (24 HOURS) |
| #91516 024F 024C | GRESHAM HOGAN (24) 1820 NE DIVISION ST GRESHAM, OR 97030 | 503-666-1544 |
| #373530 025C | 191ST / SPARKLE CAR WASH (25) 19165 SW T.V. HWY ALOHA, OR 97006 | 503-716-8917 |
| #204998 026C | FISHER'S LANDING (26) 16406 SE 26TH ST VANCOUVER, WA 98683 | 360-896-5678 (24 HOURS) |
| #379055 027F | REEDVILLE (27) 7551 SE T.V. HWY HILLSBORO, OR 97123 | 503-591-7092 |

#380252
0285

WALKER ROAD (28)
14975 SW WALKER RD
BEAVERTON, OR 97006

503-641-6712

EXHIBIT B

List of Stations Which Received Notice of Class Action Settlement

Merrit 1 Inc Walker Rd.
Store Manager
14975 SW Walker Rd
Beaverton OR 97006-5913

76 Merrit 1 Inc Walker
14975 SW Walker Rd
Beaverton OR 97006-5913

Chevron 0091985
Station Manager 0091985
6655 SW Scholls Ferry Rd
Beaverton OR 97008-5442

Grennan Oil Co. Inc
6655 SW Scholls Ferry Rd
Beaverton OR 97008-5442

Chevron 0203381
Station Manager 0203381
2339 Pacific Ave
Forest Grove OR 97116-2449

Forest Grove Chevron
2339 Pacific Ave
Forest Grove OR 97116-2449

Chevron 0204398
Station Manager 0204398
13970 SW Pacific Hwy
Tigard OR 97223-4839

Tigard Chevron
13970 SW Pacific Hwy
Tigard OR 97223-4839

Chevron 0203375
Station Manager 0203375
120 NW Murray Blvd
Portland OR 97229-5739

Murray Road Chevron
120 NW Murray Blvd
Portland OR 97229-5739

Chevron 0203374
Station Manager 0203374
3520 SW Cedar Hills Blvd
Beaverton OR 97005-2036

Cedar Hills Chevron Food Mart
3520 SW Cedar Hills Blvd
Beaverton OR 97005-2036

Chevron 0098209
Station Manager 0098209
11747 SW Pacific Hwy
Tigard OR 97223-8421

Wilbur Rasmussen's Chevron
11747 SW Pacific Hwy
Tigard OR 97223-8421

Chevron 0203454
Station Manager 0203454
833 SE Baseline St
Hillsboro OR 97123-4205

Chevron 0200703
Station Manager 0200703
10950 SE Oak St
Milwaukie OR 97222-6695

Raleigh Hills Automotive
7200 SW Beaverton Hillsdale Hwy
Portland OR 97225-2008

Fishers Landing Chevron
16406 SE 26th St
Vancouver WA 98683-3436

CERTIFICATE OF SERVICE

I certify that on July 17, 2019, I served a copy of the foregoing STATEMENT OF OBJECTIONS OF CLASS MEMBER CAIN PETROLEUM INC., on behalf of Cain Petroleum Inc. on:

Designated Rule 23 (b)(3) Class Counsel:

Alexandra S. Bernay
Robbins Geller Rudman & Dowd LLP
655 West Broadway, Suite 1900
San Diego, CA 92101

Designated Defendants' Counsel:

Matthew A. Eisenstein
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW
Washington, DC 20001-3743

by depositing a copy of the document, first class postage paid, in the United States mail at Portland, Oregon.

CERTIFICATE OF FILING

I certify that on July 17, 2019, I filed the foregoing STATEMENT OF OBJECTIONS OF CLASS MEMBER CAIN PETROLEUM INC., on behalf of Cain Petroleum Inc., with the Court at:

United States District Court for the Eastern District of New York
Clerk of Court
225 Cadman Plaza
Brooklyn, New York 11201

by depositing the original of the document, first class postage paid, in the United States mail at Portland, Oregon.

DATED: July 17, 2019

Mary Ellen Page Farr
Mary Ellen Page Farr
On Behalf of
Cain Petroleum Incorporated